

Chapter 513.—BUREAUS; OFFICE OF THE JUDGE ADVOCATE GENERAL; OFFICE OF NAVAL RESEARCH

§ 5133. Bureau Chiefs: rank; pay and allowances; retirement.

(b) Except for an officer who is serving or has served in the grade of vice admiral under section 5137(a) of this title, an officer who is retired while serving as a chief of bureau, or who, after serving at least two and one-half years as a chief of bureau, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade of rear admiral or major general, as appropriate, and with retired pay based on that grade. If he is retired with the grade of rear admiral, he is entitled to the retired pay of a rear admiral in the upper half of that grade. An officer who is serving or has served in the grade of vice admiral under section 5137(a) of this title may, upon retirement, be appointed by the President, by and with the advice and consent of the Senate, to the highest grade held by him while on the active list and with retired pay based on that grade.

(As amended Oct. 22, 1965, Pub. L. 89-288, § 3, 79 Stat. 1050.)

AMENDMENTS

1965—Subsec. (b). Pub. L. 89-288 permitted an officer who is serving or has served in the grade of vice admiral under section 5137(a) of this title, upon retirement, to be appointed by the President, by and with the advice and consent of the Senate, to the highest grade held by him while on the active list and with the retired pay based on that grade.

§ 5137. Bureau of Medicine and Surgery; Chief; Deputy Chief.

(a) The Chief of the Bureau of Medicine and Surgery shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active list of the Navy in the Medical Corps. He has the title of Surgeon General. The Surgeon General, while so serving has the grade of vice admiral.

(As amended Oct. 22, 1965, Pub. L. 89-288, § 4, 79 Stat. 1050.)

AMENDMENTS

1965—Subsec. (a). Pub. L. 89-288 provided the Surgeon General, while so serving, with the grade of vice admiral.

Chapter 545.—PROMOTIONS

§ 5751. Navy, male line officers; Marine Corps, male officers: eligibility for consideration by selection board.

EX. ORD. NO. 11232. SUSPENSION OF CERTAIN PROVISIONS RELATING TO NAVY OFFICERS OF THE GRADE OF COMMANDER

Ex. Ord. No. 11232, 30 F.R. 8745, July 8, 1965, provided:

By virtue of the authority vested in me by Section 5785(b) of Title 10 of the United States Code, I hereby suspend the provision of Section 5751(b) of Title 10 of the United States Code which relates to the service-in-grade requirement for officers in the line of the Navy of the grade of commander for eligibility for consideration by a selection board for promotion to the next higher grade.

LYNDON B. JOHNSON

Chapter 549.—RESERVE PROMOTIONS

§ 5899. Eligibility for consideration by selection board: promotion zones.

(a) A male officer of the Naval Reserve, or a woman officer appointed under section 5581 of this title, is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when his running mate is in or above the promotion zone established for his grade under section 5764 of this title. However, an officer in the grade of captain is eligible for consideration for promotion when his running mate is eligible for consideration for promotion. When more than one officer in the grade of captain is to be selected for promotion from among line officers or from among officers in any one staff corps, at least one-half of the officers selected in the category concerned must be officers who are in the promotion zone or senior to such officers.

(b) A male officer of the Marine Corps Reserve is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when any male officer of the Marine Corps Reserve on the lineal list who is junior to him is in or above the promotion zone established for his grade under section 5765 of this title or when his running mate is in or above that zone. However, an officer in the grade of colonel is eligible for consideration for promotion when his running mate is eligible for consideration for promotion. When more than one officer in the grade of colonel is to be selected for promotion, at least one-half of the officers selected must be officers who are in the promotion zone or senior to such officers.

(As amended Pub. L. 89-275, §§ 1, 2, Oct. 20, 1965, 79 Stat. 1010.)

AMENDMENTS

1965—Subsec. (a). Pub. L. 89-275, § 1, deleted "until July 1, 1961" following "However", and added sentence requiring at least one-half of the officers selected in the category concerned to be officers who are in the promotion zone or senior to those officers when more than one officer in the grade of captain is to be selected for promotion from among line officers or from among officers in any one staff corps.

Subsec. (b). Pub. L. 89-275, § 2, added sentences making an officer in the grade of colonel eligible for consideration for promotion when his running mate is eligible for consideration for promotion, and requiring at least one-half of the officers selected to be officers who are in the promotion zone or senior to those officers when more than one officer in the grade of colonel is to be selected for promotion.

EFFECTIVE DATE OF 1965 AMENDMENT

Section 3 of Pub. L. 89-275 provided that: "The last sentence of section 5899(a) and the last sentence of section 5899(b) of title 10, United States Code, added by this Act become effective July 1, 1967."

Chapter 631.—SECRETARY OF THE NAVY: MISCELLANEOUS POWERS AND DUTIES

§ 7204. Schools near naval activities: financial aid; transportation of dependents.

TRANSFER OF FUNCTIONS

The Coast and Geodetic Survey was consolidated with the Weather Bureau of the Department of Commerce to